S.B. CRIMINAL APPEAL NO. 135/1992

Date : 09.5.2006

HON'BLE MR. B. PRASAD, J.

Mr. Suresh Kumbhat] for the appellant
Mr. N.K. Sharma]
Mr. J.P.S. Choudhary, P.P..

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Heard.

Learned counsel for the appellants does not challenge the conviction. The incident as alleged has occurred on the spur of the moment. However, he proposes that each accused shall a sum of Rs. 3,000/- as compensation to be paid to the injured/legal heirs. Learned Public Prosecutor per contra asserts that doing away with such an accused who was indiscrete in inflicting injury on the injured on the spur of the moment is no ground not to maintain the sentence as awarded.

I have considered the rival submissions. In the interest of justice, it would be appropriate if the offer of the learned counsel for the appellants is accepted and instead of substantive sentence awarded, Rs. 3,000/- may be imposed as fine on the accused to be paid to the injured as compensation. Learned Public Prosecutor has reluctantly agreed to the said proposal.

Accordingly, it is directed that each accused shall deposit a sum of Rs.3,000/- as fine within two months with the trial court to be paid to the injured/his legal heirs. In case the appellants deposit the amount within two months, the sentence already undergone would be deemed to be their substantive sentence and in case, the appellants do not deposit the amount within two months, their substantive sentence as already ordered will be

deemed to be the subsisting sentence.

The appeal is disposed of accordingly.

(BHAGWATI PRASAD), J.

bjsh